

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Steve Smith,

Plaintiff,

v.

Case No. 17-11934

Byron Taulton, John Doe,

Sean F. Cox

United States District Court Judge

Defendants.

MEMORANDUM OPINION REGARDING
DEFAULT JUDGMENT
AGAINST DEFENDANT BYRON TAULTON

Plaintiff Steve Smith (“Smith”) filed this 42 U.S.C. § 1983 prisoner civil rights case on June 16, 2017, asserting a claim against Defendant Byron Taulton (“Taulton”).

Although the docket reflects that Taulton was personally served with the Complaint and summons, he did not file an answer or appear in this action.

On July 10, 2019, the magistrate judge issued a Report and Recommendation (“R&R”) recommending that default judgment be entered against Defendant Taulton, and in favor of Smith, in an amount determined by the Court. (ECF No. 23). No objections to that R&R were filed.

This Court adopted the R&R and ordered “that a default is hereby entered against Defendant Taulton in this action.” (ECF No. 25). This Court’s Order noted that “[w]ith a default entered against him, Defendant Taulton’s liability in this action is now established,” and explained that this Court would hold an evidentiary hearing to determine the amount of Smith’s

damages.

Prior to the evidentiary hearing, Smith submitted an Affidavit that states that on “December 30, 2014, a loaded firearm was pointed at my head by Corrections Officer Byron Taulton while I was on a medical hospital run for suicidal behavior. He said, ‘If you really want to die, I’ll take you out back and blow your brains out.’” (ECF No. 27).

In addition, this Court held an evidentiary hearing on December 19, 2019, at which time Smith appeared before this Court and testified as to the nature of his claimed emotional distress damages under oath. Smith testified that as a result of Defendant Taulton’s actions on December 30, 2014, Smith has suffered extensive emotional distress damages. He regularly experiences nightmares, anxiety, chest pains, and paranoia. Smith has sought, and continues to receive, psychiatric counseling services as a result of the incident in this case and has been prescribed medication. The Court finds Smith’s testimony regarding his damages to be credible, especially in light of the nature of the egregious nature of Taulton’s conduct on December 30, 2014.

Accordingly, the Court shall enter a default judgment against Defendant Taulton, and in favor of Smith, in the amount of \$95,000.00 for his damages.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: December 23, 2019